

FILED
U.S. DISTRICT COURT

2006 JUL 19 A 8:35

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH

DISTRICT OF UTAH
CENTRAL DIVISION

BY: _____
DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NICHOLAS STARK,

Defendant.

MEMORANDUM DECISION AND
ORDER GRANTING JOINT
MOTION TO WITHDRAW PLEA
AND GRANTING GOVERNMENT'S
MOTION FOR LEAVE OF COURT
TO FILE A DISMISSAL OF THE
INDICTMENT

Case No. 2:05-CR-410 TS

This matter is before the Court on the parties' Joint Motion to Withdraw Plea and Dismiss Case,¹ and on the government's Motion for Leave of Court to File a Dismissal of the Indictment.² Defendant Stark pleaded guilty to a single count of the Indictment on December 15, 2005. Thereafter, on February 22, 2006, the government dismissed the Indictment as to the two

¹ Docket No. 160.

² Docket No. 161.

co-Defendants.³ The parties now agree that Defendant Stark should be allowed to withdraw his plea of guilty, and the government should be granted leave to dismiss the Indictment against him.

The Court, having reviewed the motions and the file and being otherwise fully informed, will allow Defendant Stark to withdraw his plea of guilty, and will grant leave of court for the government to dismiss the Indictment.

Based upon the above, it is hereby

ORDERED that the parties' Joint Motion to Withdraw Plea and Dismiss Case (Docket No. 160) is GRANTED insomuch as the guilty plea is withdrawn, but the case is not dismissed by this Order. It is further

ORDERED that the government's Motion for Leave of Court to File a Dismissal of the Indictment (Docket No. 161) is GRANTED.

DATED July 18, 2006.

BY THE COURT:



TED STEWART
United States District Judge

³ Docket No. 149.